

JUDGE DANIELS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

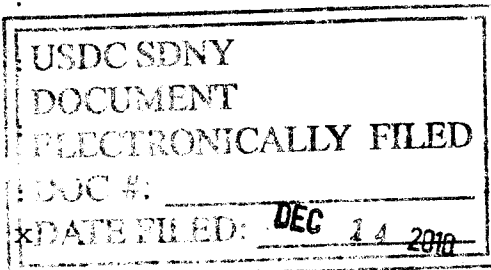
- v. -

MARITZA A. RODRIGUEZ,
a/k/a "Maria Magdalena Collado
Peralta,"
a/k/a "Maria Peralta Ana,"
a/k/a "Maria Peralta De Leon,"
a/k/a "Maria Colladoperalta,"
a/k/a "Maria Peralta Ramona,"
a/k/a "Maritza Altagracia Collado
Peralta,"
a/k/a "Maritza Altagracia
Collado,"
and
JOSE RAFAEL RODRIGUEZ, JR.,
a/k/a "Jose R. Rodriguez,"

Defendants.

x
:
:
: INDICTMENT
:
: 10 Cr.

10 CRIM1240



COUNT ONE

(Conspiracy to Commit Marriage Fraud and to Make False Statements
in Immigration Documents)

The Grand Jury charges:

1. From at least on or about June 8, 2006, up to and including on or about April 6, 2009, in the Southern District of New York and elsewhere, MARITZA A. RODRIGUEZ, a/k/a "Maria Magdalena Collado Peralta," a/k/a "Maria Peralta Ana," a/k/a "Maria Peralta De Leon," a/k/a "Maria Colladoperalta," a/k/a "Maria Peralta Ramona," a/k/a "Maritza Altagracia Collado Peralta," a/k/a "Maritza Altagracia Collado," and JOSE RAFAEL RODRIGUEZ, JR., a/k/a "Jose R. Rodriguez," the defendants, and others known and unknown, unlawfully, willfully, and knowingly

combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, to violate Section 1325(c) of Title 8, United States Code, and Section 1546 of Title 18, United States Code.

2. It was a part and an object of said conspiracy that MARITZA A. RODRIGUEZ, a/k/a "Maria Magdalena Collado Peralta," a/k/a "Maria Peralta Ana," a/k/a "Maria Peralta De Leon," a/k/a "Maria Colladoperalta," a/k/a "Maria Peralta Ramona," a/k/a "Maritza Altagracia Collado Peralta," a/k/a "Maritza Altagracia Collado," and JOSE RAFAEL RODRIGUEZ, JR., a/k/a "Jose R. Rodriguez," the defendants, unlawfully, willfully and knowingly would and did enter into a marriage for the purpose of evading provisions of the immigration laws.

3. It was a further part and an object of the conspiracy that MARITZA A. RODRIGUEZ, a/k/a "Maria Magdalena Collado Peralta," a/k/a "Maria Peralta Ana," a/k/a "Maria Peralta De Leon," a/k/a "Maria Colladoperalta," a/k/a "Maria Peralta Ramona," a/k/a "Maritza Altagracia Collado Peralta," a/k/a "Maritza Altagracia Collado," and JOSE RAFAEL RODRIGUEZ, JR., a/k/a "Jose R. Rodriguez," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, would and did make under oath, and as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, subscribe as true, false statements with respect to a material fact in an application, affidavit and other document required by the

immigration laws and regulations prescribed thereunder, and would and did present such application, affidavit and other document containing such false statements and which failed to contain any reasonable basis in law and fact, in violation of Title 18, United States Code, Section 1546(a).

Overt Acts

4. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about June 8, 2006, MARITZA A. RODRIGUEZ and JOSE RAFAEL RODRIGUEZ, JR., the defendants, entered into a marriage in Hempstead, New York.

b. On or about August 15, 2006, JOSE RAFAEL RODRIGUEZ, JR., the defendant, caused to be submitted to the United States Department of Homeland Security, United States Citizenship and Immigration Services ("CIS") a Form I-130, Petition for Alien Relative, in which he listed MARITZA A. RODRIGUEZ, the defendant, as his wife.

c. On or about August 15, 2006, MARITZA A. RODRIGUEZ, the defendant, caused to be submitted to CIS a Form I-485, Application to Register Permanent Residence or Adjust Status, dated August 7, 2006, in which she listed JOSE RAFAEL RODRIGUEZ, JR., the defendant, as her husband.

d. On or about January 27, 2008, JOSE RAFAEL RODRIGUEZ, JR., the defendant, caused to be submitted to CIS a Form I-130, Petition for Alien Relative, dated January 11, 2008, in which he listed MARITZA A. RODRIGUEZ, the defendant, as his wife.

e. On or about January 27, 2008, MARITZA A. RODRIGUEZ, the defendant, caused to be submitted to CIS a Form I-485, Application to Register Permanent Residence or Adjust Status, dated January 11, 2008, in which she listed JOSE RAFAEL RODRIGUEZ, JR., the defendant, as her husband.

f. On or about March 17, 2009, MARITZA A. RODRIGUEZ, the defendant, and a co-conspirator not named as a defendant herein discussed preparing for interviews in which MARITZA A. RODRIGUEZ and JOSE RAFAEL RODRIGUEZ, JR., the defendants, would appear at CIS, at 26 Federal Plaza in Manhattan, in an effort to establish the bona fides of their marriage.

g. On or about March 23, 2009, MARITZA A. RODRIGUEZ, the defendant, and a co-conspirator not named as a defendant herein discussed preparing for interviews in which MARITZA A. RODRIGUEZ and JOSE RAFAEL RODRIGUEZ, JR., the defendants, would appear at CIS, at 26 Federal Plaza in Manhattan, in an effort to establish the bona fides of their marriage.

h. On or about March 25, 2009, MARITZA A. RODRIGUEZ, the defendant, and a co-conspirator not named as a defendant herein discussed preparing for interviews in which MARITZA A. RODRIGUEZ and JOSE RAFAEL RODRIGUEZ, JR., the defendants, would appear at CIS, at 26 Federal Plaza in Manhattan, in an effort to establish the bona fides of their marriage.

i. On or about April 6, 2009, MARITZA A. RODRIGUEZ and JOSE RAFAEL RODRIGUEZ, JR., the defendants, appeared for interviews with CIS, at 26 Federal Plaza in Manhattan, in an effort to establish the bona fides of their marriage.

(Title 18, United States Code, Section 371.)

COUNT TWO

(False Statement in an Immigration Document)

The Grand Jury further charges:

5. On or about January 27, 2008, in the Southern District of New York and elsewhere, JOSE RAFAEL RODRIGUEZ, JR., a/k/a "Jose R. Rodriguez," the defendant, unlawfully, willfully and knowingly did make under oath, and as permitted under penalty of perjury under Title 28, United States Code, Section 1746, and did subscribe as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and did present such application, affidavit, and

other document which did contain such false statement and which did fail to contain any reasonable basis in law or fact, to wit, RODRIGUEZ falsely stated in a Form I-130, Petition for Alien Relative, dated January 11, 2008, that he had lived at a certain address in Freeport, New York with his wife since June 2006.

(Title 18, United States Code, Section 1546(a).)

COUNT THREE

(False Statement in an Immigration Document)

The Grand Jury further charges:

6. On or about July 14, 2008, in the Southern District of New York and elsewhere, MARITZA A. RODRIGUEZ, a/k/a "Maria Magdalena Collado Peralta," a/k/a "Maria Peralta Ana," a/k/a "Maria Peralta De Leon," a/k/a "Maria Colladoperalta," a/k/a "Maria Peralta Ramona," a/k/a "Maritza Altagracia Collado Peralta," a/k/a "Maritza Altagracia Collado," and JOSE RAFAEL RODRIGUEZ, JR., a/k/a "Jose R. Rodriguez," the defendants, unlawfully, willfully and knowingly did make under oath, and as permitted under penalty of perjury under Title 28, United States Code, Section 1746, and did subscribe as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and did present such application, affidavit, and other document which did contain such false statement and which did fail to contain any reasonable basis in law or fact, to wit, the defendants falsely stated in a Form I-

601, Application for Waiver of Grounds of Inadmissibility, dated July 4, 2008, that JOSE RAFAEL RODRIGUEZ, JR. lived at a certain address in Freeport, New York.

(Title 18, United States Code, Section 1546(a).)

FORFEITURE ALLEGATIONS

7. As a result of committing the immigration fraud offenses charged in Counts One through Three of this Indictment, MARITZA RODRIGUEZ, a/k/a "Maria Magdalena Collado Peralta," a/k/a "Maria Peralta Ana," a/k/a "Maria Peralta De Leon," a/k/a "Maria Colladoperalta," a/k/a "Maria Peralta Ramona," a/k/a "Maritza Altagracia Collado Peralta," a/k/a "Maritza Altagracia Collado," and JOSE RAFAEL RODRIGUEZ, JR., a/k/a "Jose R. Rodriguez," a/k/a "Jose Vasquez," the defendants, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(6), (a) any conveyance, including any vessel, vehicle, and aircraft used in the commission of the offenses, (b) any property, real and personal, constituting, derived from, and traceable to the proceeds obtained directly and indirectly from the commission of the offenses, and (c) any property, real and personal, used to facilitate, and intended to be used to facilitate, the commission of the offense alleged in Counts One, Two and Three; including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision


8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, 982 and
Title 21, United States Code, Section 853.)


FOREPERSON


PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MARITZA A. RODRIGUEZ,
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Peralta,"
a/k/a "Maritza Altagracia Collado,"
and
JOSE RAFAEL RODRIGUEZ, JR.,
a/k/a "Jose R. Rodriguez,"

Defendants.

INDICTMENT

10 Cr.

(18 U.S.C. §§ 371 and 1546.)

PREET BHARARA
United States Attorney.

A TRUE BILL



Foreperson.

12-14-10
MO

Filed Indictment Case assigned to J. Daniels

Pitman
U.S.M.J.